

GENTILE CRISTALLI
MILLER ARMENI SAVARESE
PAOLA M. ARMENI
Nevada Bar No. 8357
Email: parmeni@gcmaslaw.com
410 South Rampart Boulevard, Suite 420
Las Vegas, Nevada 89145
Tel: (702) 880-0000
Fax: (702) 778-9709
Attorney for Defendant, JOEL SHANNON SMITH

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOEL SHANNON SMITH,

Defendant.

CASE NO. 2:17-cr-00044-JAD-PAL

STIPULATION AND ORDER TO CONTINUE SENTENCING (FIRST REQUEST)

IT IS HEREBY STIPULATED by and between Joel Shannon Smith (“Mr. Smith”), Defendant, by and through his counsel, Paola M. Armeni, Esq., of the law firm of Gentile Cristalli Miller Armeni Savarese and the Plaintiff, United States of America, by and through Dayle Elieson, United States Attorney, and, Jared Grimmer, Assistant United States Attorney, that the sentencing hearing currently scheduled for October 22, 2018, be vacated. The Parties respectfully request the hearing be continued to November 5, 2018, or shortly thereafter.

This Stipulation is entered into for the following reasons:

1. Sentencing in this matter is currently scheduled for October 22, 2018. Therefore, Mr. Smith’s sentencing memorandum and formal objections are currently due on October 15, 2018.

2. Defense counsel Ms. Paola M. Armeni, is commencing trial on October 15, 2018 in the United States District Court, District of Nevada, in the matter of the *United States of America v. Barbara Stephanie Lizardo*, Case No.: 2:17-cr-00021-JCM-GWF-4. The case is expected to last most of the week.

1 3. Between trial preparation and proceeding forward with trial, counsel for Mr. Smith needs
2 a short extension to be able to timely file a sentencing memorandum and formal objections to the
3 Presentence Investigation Report on Mr. Smith's behalf. In order to ensure additional time to
4 meet these deadlines, there needs to be a short continuance of the current sentencing date of
5 October 22, 2018.

6 4. Counsel for the United States will be out of the jurisdiction for training from October 23rd
7 to October 26th and needs additional time to file a reply to Mr. Smith's sentencing documents.

8 5. Mr. Smith has appeared in this case and is in custody and, along with the government,
9 agrees to this short continuance.

10 6. The additional time requested herein is not sought for purposes of delay and the denial of
11 this request for a continuance could result in a miscarriage of justice.

12 7. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing
13 hearing for good cause. Good cause exists in this case.

14 8. For all the above-stated reasons, the ends of justice would be best served by a short
15 continuance of the sentencing hearing.

16 9. This is the first request for a continuance of the sentencing hearing.

17 DAYLE ELIESON
18 UNITED STATES ATTORNEY
DISTRICT OF NEVADA

GENTILE CRISTALLI
MILLER ARMENI SAVARESE

19 DATED this 4th day of October, 2018.

DATED this 4th day of October, 2018

20 /s/ Jared Grimmer
21 JARED GRIMMER
22 Assistant United States Attorney
Attorneys for Plaintiff,
23 UNITED STATES OF AMERICA

/s/ Paola M. Armeni
24 PAOLA M. ARMENI
25 Attorney for Defendant,
26 JOEL SHANNON SMITH
27
28

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

CASE NO. 2:17-cr-00044-JAD-PAL

4 Plaintiff,

5 vs.

6 JOEL SHANNON SMITH,

7 Defendant.

8 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

9
10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court hereby finds that:

12 **CONCLUSIONS OF LAW**

13 Based on the fact that counsel has agreed to a continuance, the Court hereby concludes that:

14 1. Sentencing in this matter is currently scheduled for October 22, 2018. Therefore, Mr.
15 Smith's sentencing memorandum and formal objections are currently due on October 15, 2018.

16 2. Defense counsel Ms. Paola M. Armeni, is commencing trial on October 15, 2018 in the
17 United States District Court, District of Nevada, in the matter of the *United States of America v.*
18 *Barbara Stephanie Lizardo*, Case No.: 2:17-cr-00021-JCM-GWF-4. The case is expected to last
19 most of the week.

20 3. Between trial preparation and proceeding forward with trial, counsel for Mr. Smith needs
21 a short extension to be able to timely file a sentencing memorandum and formal objections to the
22 Presentence Investigation Report on Mr. Smith's behalf. In order to ensure additional time to
23 meet these deadlines, there needs to be a short continuance of the current sentencing date of
24 October 22, 2018.

25 4. Counsel for the United States will be out of the jurisdiction for training from October 23rd
26 to October 26th and needs additional time to file a reply to Mr. Smith's sentencing documents.

27 5. Mr. Smith has appeared in this case and is in custody and, along with the government,
28 agrees to this short continuance.

6. The additional time requested herein is not sought for purposes of delay and the denial of this request for a continuance could result in a miscarriage of justice.

7. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing hearing for good cause. Good cause exists in this case.

8. For all the above-stated reasons, the ends of justice would be best served by a short continuance of the sentencing hearing.

9. This is the first request for a continuance of the sentencing hearing.

ORDER

IT IS HEREBY ORDERED that the sentencing hearing in this matter scheduled for October 22, 2018, at the hour of 11:00 a.m. is hereby vacated and continued to **November 6, 2018, at the hour of 10:00 a.m.;** in Courtroom 6D.

DATED this 5th day of October, 2018.

~~NANCY J. KOPPE~~ Jennifer A. Dorsey
UNITED STATES DISTRICT COURT ~~MAGISTRATE~~
CASE NO.: 2:17-cr-00044-JAD-PAL Judge